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**BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 1E-02-141820

ENRIQUE HERRERA
2104 22nd Street
Mission, TX 78572

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Richard L. Wallinder, Jr. ("Complainant") brings this statement of issues solely in his official capacity as the Executive Officer of the Physician Assistant Committee, Department of Consumer Affairs.
2. On or about October 28, 2002, Enrique Herrera ("Respondent") submitted an application for a Physician Assistant to the Physician Assistant Committee. The application was denied on or about March 3, 2003.

JURISDICTION

3. This Statement of Issues is brought before the Physician Assistant Committee, Medical Board of California ("Committee"), under the authority of the following sections of the Business and Professions Code ("Code").

1 4. Section 3527 of the Code provides that the committee may order the
2 denial of an application for, or the issuance subject to terms and conditions of, or the suspension
3 or revocation of, or the imposition of probationary conditions upon a physician's assistant
4 certificate for unprofessional conduct.

5 5. Section 480 of the Code states in part:

6 "(a) A board may deny a license regulated by this code on the grounds that the
7 applicant has one of the following:

8 "(1) Been convicted of a crime. A conviction within the meaning of this section
9 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
10 which a board is permitted to take following the establishment of a conviction may be taken
11 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
12 or when an order granting probation is made suspending the imposition of sentence, irrespective
13 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

14 "(3) Done any act which if done by a licentiate of the business or profession in
15 question, would be grounds for suspension or revocation of license.

16 "The board may deny a license pursuant to this subdivision only if the crime or
17 act is substantially related to the qualifications, functions or duties of the business or profession
18 for which application is made."

19 **CAUSE FOR DENIAL OF APPLICATION**

20 (Conviction of Crime)

21 6. Respondent's application is subject to denial under sections 3527 and
22 480(a)(1) and 480(a)(3) in that on or about October 24, 1986, in a criminal proceeding entitled
23 *People of the State of California vs. Enrique Herrera, aka Alvin James Stewart* in Superior
24 Court, County of Orange, Case Number DVW-129291, Respondent was convicted by plea of
25 guilty to violating one count of Business and Professions Code section 2053, one count of
26 violating Health and Safety Code section 113683 and four counts of Business and Professions
27 Code section 4390. Said counts are all felonies. The circumstances are as follows:

28 a. Between November 1, 1984 and April 26, 1986, respondent who was not

1 licensed as a physician and surgeon held himself as a physician, Dr. Alvin James Stewart, and
2 practiced medicine. On April 5, 1986, respondent issued a forged prescription using the name of
3 Dr. Alvin James Stewart for a narcotic drug, Tylenol with codeine. On April 6, April 7, and
4 April 8, 1986, respondent issued forged prescriptions using the name Dr. Alvin James Stewart.

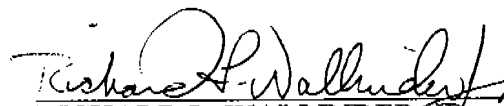
5 b. On October 24, 1986, Respondent was sentenced as follows: one year,
6 four months in jail (state prison) and payment of various fines.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Physician Assistant Committee issue a decision:

- 10 1. Denying the application of Enrique Herrera for a Physician Assistant
11 License;
12 2. Taking such other and further action as deemed necessary and proper.

13 DATED: April 1, 2003.

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15 
16 RICHARD L. WALLINDER, JR.
17 Executive Officer
18 Physician Assistant Committee
19 Department of Consumer Affairs
20 State of California
21 Complainant

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